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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/369,360	08/06/1999	HEIKO HOLZHEUER	P99.1523	6693

7590 05/28/2002

SCHIFF, HARDIN & WAITE  
PATENT DEPARTMENT  
6600 SEARS TOWER  
CHICAGO, IL 60606-6473

EXAMINER

HAILU, TADESSE

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 05/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/369,360

Applicant(s)

Heiko Holzheuer

Examiner

Tadesse Hailu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Apr 12, 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some\* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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DETAILED ACTION

1. This Office Action is in response to the Response entered 4/12/2002 for the patent application (09/369,360) filed on 5 August 1999.

*Priority*

2. Priority claimed to Germany Patent 199 10 357.7 dated 9 March 1999

*Status of the claims*

3. Claims 1-17 are pending.

*Claim Rejections - 35 U.S.C. § 112*

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 7 and 15 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The following limitation "...starting document is **inversely related** to said measure of similarity" is not shown any where in the specification.

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***Claim Rejections - 35 U.S.C. § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

7. **Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Pirolli et al (5,895,470).**

Pirolli et al.(5,895,470) discloses a system for categorizing documents in a linked collection of documents.

Regarding to claim 1: as in the present claimed invention, Pirolli discloses a computer system comprising a processor, a pointing device and a graphic display. Pirolli also discloses a software tool or browser (col 6, lines 4-26) which enables a user to traverse through and view documents residing on the Web. Pirolli also identifies and categorizes document according their similarities with the focus document (or "starting document") (see Abstract, Fig. 4 (Similarity measure)) also the browser tool produce and display the result of similarity of these documents in graphical form or symbols, such as widths of the lines connecting the various pages 1001-1007 is an indication of how similar the pages are (see col 2, lines 24-38, Fig. 10). These graphical form appearance differ with each other according to their similarities with the focus document (see Pirolli: FIG. 4 ( calculating a text similarity matrix), col 5, lines 7-18, col 5, line 66-col 6, lines 2, col 10, lines 50-61, co, 12, lines 47-col 13, lines 13). The method **claim 10** recites steps

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performed by the apparatus or device of claim 1 and therefore is rejected under the same rationale.

Regarding claim 2, Pirolli discloses a storage area which holds characteristic vectors that produce the similarity measurements (col 6, lines 4-26), wherein, techniques from information retrieval can be applied to calculate a text similarity matrix which represents the inter-document text similarities among Web pages (col 6, lines 36-col 7, lines 66). The method **claim 11** recites steps performed by the apparatus of claim 2 and therefore is rejected under the same rationale.

Regarding claim 3, Pirolli further discloses a plurality of characteristic vectors (col 7, lines 11-63). The method **claim 12** recites steps performed by the apparatus of claim 3 and therefore is rejected under the same rationale.

Regarding claim 4, Pirolli discloses measuring similarity by a weights function over the frequencies of words that are common in the document, entries in the vector for a document indicate the presence or frequency of a word in the document (col 7, lines 49-63, col 9, lines 37-49, col 11, lines 58-col 12, lines 9, col 12, lines 37-46). The method **claim 13** recites steps performed by the apparatus of claim 4 and therefore is rejected under the same rationale.

Regarding claims 5 and 6, as shown in Figs. 10-11, Pirolli discloses a text similarity network and corresponding matrix representation. Specifically as shown in Fig. 10, the widths of the lines connecting the various pages 1001-1007 is an indication of how similar the pages are (col 10, lines 62-67, col 11, lines 12-19). Pirolli also indicates that said graphical representation

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can be shown in color (col 12, lines 37-46).. The method **claim 14** recites steps performed by the apparatus of claims 5 and 6 and therefore is rejected under the same rationale.

Regarding claim 7, Pirolli discloses the relative arrangement of graphical representation of various pages 1001-1007 according to their text similarity, that is inter-document similarity of pages (see FIGS. 10-11). The method **claim 15** recites steps performed by the apparatus of claim 7 and therefore is rejected under the same rationale.

Regarding claims 8 and 9, Pirolli also discloses manipulating the graphical representation using a mouse pointer to generate selection of words wherein said focus document is determined by the higher frequency of said selection of words within said documents (col 4, lines 60-col 5, lines 6, col 7, lines 49-63, col 10, lines 4-40).The method **claims 16 and 17** recite steps performed by the apparatus of claims 8 and 9 respectively and therefore is rejected under the same rationale.

### ***Response to Arguments***

8. Applicant's arguments filed 4/12/2002 have been fully considered but they are not persuasive.

Applicant states that the claimed "...starting document is inversely related to said measure of similarity" is implicitly disclosed in the specification, and as the same time, the applicant is indicating that "an inverse function" is a function well known in the art. In contrast, the examiner

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applicant did not explicitly disclose, the US 112 (enablement) rejection still applied to claims 7, and 15.

Applicant also argues that “Pirolli does not anticipate the present invention because its strength associations are displayed in the links between documents and not within the documents themselves, and Pirolli does not focus on a relationship to a central document for display purposes.” In contrast, Pirolli does disclose a starting point (focus) document for display purposes (col 1, lines 65-col 2, lines 37).

In addition the applicant is arguing for unclaimed subject matter, that is, “strength associations are displayed ...within the documents themselves.” There is no where in the claim that the present invention claims -- strength associations are displayed within the documents themselves--. Applicant points to exemplary embodiment of the display of Fig. 1 to teach the argument which is not claimed.

Having fully addressed the Applicant’s argument, the rejection still stands.

### *Conclusion*

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to *Tadesse Hailu*, whose telephone number is (703) 306-2799. The Examiner can normally be reached on M-F from 10:00 - 7:30 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, *John Cabeca*, can be reached at (703) 308-3116 Art Unit 2173 CPK 2-4A51

10. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

*Tadesse Hailu*

22 May 2002

  
RAYMOND J. BAYERL  
PRIMARY EXAMINER  
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